

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Toshiharu Furukawa, et al. Confirmation No.: 6082
Art Unit: 2818
Serial No.: 10/814,482
Examiner: David J. Goodwin
Filed: March 31, 2004
Atty. Docket No.: ROC9200300399US1
For: METHOD FOR FABRICATING STRAINED SILICON-ON-
INSULATOR STRUCTURES AND STRAINED SILICON-ON-
INSULATOR STRUCTURES FORMED THEREBY

RESPONSE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response is responsive to the Office Action mailed October 18, 2006 and is being enclosed with a Request for Continued Examination (RCE) submitted concurrently herewith. This Amendment represents a submission fully responsive to the final Office Action mailed on October 18, 2006, as required under 37 CFR § 1.114. Claims 1-15 are pending. In view of the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Rejections of Claims

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as anticipated by U.S. Pat. No. 6,117,711 to Wu (hereinafter *Wu*) in view of U.S. Pub. No. 2004/0217391 to Forbes (hereinafter *Forbes*). Applicants submit an affidavit of prior invention under 37 C.F.R. § 1.131, as an attachment herewith, which has been executed by all inventors of the subject matter claimed.

The affidavit establishes that Applicants invented the claimed subject matter before the filing date of *Forbes* (April 29, 2003) relied upon in the rejection. Attached to the affidavit is a photocopy of an original exhibit consisting of a written invention disclosure and annotated drawings. Applicants' showing of facts is, in character and weight, sufficient as to establish that the inventors conceived a semiconductor structure that embodies the features and advantages of the present invention, as claimed in the '482 application, in the United States prior to the filing date of *Forbes*. Consequently, U.S. Pub. No. 2004/0217391 is no longer a valid reference under 35 U.S.C. § 102(e). Applicants respectfully request that the Examiner withdraw the rejection.

Conclusion

Applicants have made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicants do not believe fees are dues in connection with filing this communication other than the RCE fee. If, however, any fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,

December 1, 2006
Date

/William R. Allen/
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